

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DEMETRIUS ALVIN BANKS,                     )  
  )  
                          Plaintiff,                     )  
  )  
                  v.                                     )             1:19CV14  
  )  
OFFICER M.D. MARTINEZ, et al.,             )  
  )  
                          Defendant(s).             )

**ORDER**

This matter is before this court for review of the Recommendation filed on February 5, 2019, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b).<sup>1</sup> (Doc. 3.) In the Recommendation, the Magistrate Judge recommends that this action be dismissed pursuant to 28 U.S.C. § 1915A for being frivolous or malicious or for failing to state a claim upon which relief may be granted, as well as for seeking monetary relief against a defendant who is immune from such relief. The Recommendation was served on the parties to this action on February 5, 2019 (Doc. 4). Plaintiff filed objections (Doc. 8) to the Recommendation.

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<sup>1</sup> The Judgment, (Doc. 5), entered adopting the Magistrate Judge's Recommendation, (Doc. 3), was stricken after Plaintiff filed a motion for extension to object to the Recommendation. (Doc. 6.) The court granted Plaintiff's motion and allowed him until April 5, 2019, within which to file objections. (See Order (Doc. 7.) Plaintiff filed objections (Doc. 8).

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation (Doc. 3) is **ADOPTED**. **IT IS FURTHER ORDERED** that Plaintiff's complaint, (Doc. 2), is hereby **DISMISSED** pursuant to 28 U.S.C. § 1915A for being frivolous or malicious or for failing to state a claim upon which relief may be granted, as well as for seeking monetary relief against a defendant who is immune from such relief. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 15th day of April, 2019.

  
United States District Judge